

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOHN SALLEE,

Plaintiff(s),

v.

SOUTHWEST AIRLINES CO., et al.,

Defendant(s).

Case No. 2:16-CV-2642 JCM (GWF)

ORDER

Presently before the court is defendant Southwest Airlines Co.'s ("Southwest") notice of voluntary remand to state court based on the citizenship of its codefendants: Clark County, the Clark County Board of Commissioners, and the Clark County Department of Aviation. (ECF No. 4); *see also* 28 U.S.C. § 1441(b)(2) ("A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought").

On November 16, 2016, Southwest filed its petition for removal. (ECF No. 1). The present notice was filed on November 21, 2016, and no parties have submitted a response. (ECF No. 4).

Additionally, Local Rule 7-2(d) states: "The failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion."

Pursuant to Local Rule 7-2(d), the failure of plaintiff or codefendants to respond to the present motion indicates their consent to the same. Moreover, this court finds that Southwest's request is not offered by any improper motive and that allowing the action to proceed in this court would violate 28 U.S.C. § 1441(b)(2). *See* (ECF No. 4).


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1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Southwest's request for
3 voluntary remand to the Eighth Judicial District Court for Clark County, Nevada (ECF No. 4) be,
4 and the same hereby is, GRANTED.

5 DATED February 15, 2017.

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UNITED STATES DISTRICT JUDGE